

EXHIBIT 4

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIEGO SANTIAGO,

Plaintiff,

vs.

VILLAGE OF OSSINING POLICE
DEPARTMENT,

Defendant.

-----X

DEPOSITION OF DIEGO SANTIAGO

New York, New York

April 11, 2007

Reported by:
Bonnie Pruszynski, RMR
JOB NO. 172176

1 Diego Santiago

2 A I told the ex-union representative
3 Eddie O'Rourke, who is no longer employed by the
4 Village of Ossining, about what was going to
5 happen.

6 And he goes, "Thank you for the heads
7 up. I appreciate it."

8 Q Anybody else at the union?

9 A No.

10 Q What was Mr. O'Rourke's position?

11 A He was the president of the PBA,
12 Ossining PBA.

13 Q Did you ever discuss with
14 Mr. O'Rourke filing a grievance in connection with
15 your denial of promotion?

16 A No, sir.

17 Q Did you ever discuss with him seeking
18 to raise the detective appointment procedure as a
19 negotiating point in bargaining?

20 A No, sir.

21 Q Have spoken to any members of the
22 Ossining community, who are not employed by the
23 village, about your lawsuit?

24 A Not that I can recall.

25 (Exhibit Numbers P-1 and P-2 marked

Diego Santiago

A November 13, 1954.

Q And how old are you today.

A I am 52 years of age.

Q Where were you born, sir?

A I was born in Puerto Rico.

Q Where in Puerto Rico.

A San Lorenzo.

Q And what's your home telephone
number?

A 914-762-4686.

Q Okay. And you are currently married,
sir?

A Yes, sir.

Q Okay. And what's your spouse's name?

A Nurys.

Q Could you spell that?

A N-U-R-Y-S.

Q Okay. And her last name is Santiago?

A Yes, sir.

Q Is your current wife your first wife?

A Yes, sir.

Q Do you have any children?

A Yes, sir.

Q What are their names and ages?

1 Diego Santiago

2 Q So, you were saying you were laid off
3 as a community service worker for lack of funding?

4 A I wasn't laid off.

5 Q You just testified you were
6 terminated because of lack of funds?

7 A I said the CSW group was terminated
8 because of federal funds, there was no federal
9 funds.

10 Q So, the whole program was terminated?

11 A As far as I can recall, yes.

12 Q How did you learn about an employment
13 opportunity at the Ossining Police Department?

14 A Because in 1974, I believe it was
15 1974. I was employed by the Village of Ossining
16 Police Department in the youth division as a
17 community service worker, and at the time the exam
18 was posted and I had the opportunity to take the
19 police test, exam.

20 Q So, you took the test in 1974?

21 A I believe that was the first time I
22 took the test.

23 Q When did you begin employment in your
24 current tenure with the Village Police Department?

25 A 1982.

1 Diego Santiago

2 is being deposed, as opposed to party
3 conducting the deposition.

4 Q Officer Santiago, I would like to
5 show you a document we have marked as Exhibit P-5
6 for identification.

7 My first question, Officer, is did
8 you receive a Village of Ossining Police
9 Department manual?

10 A I received one, but it was never gone
11 over.

12 Q Do you have a personal copy of the
13 manual?

14 A Yes.

15 Q Have you ever read it?

16 A I have read part of it.

17 Q Okay. I would like to show you, take
18 a look at -- withdraw it.

19 I would like to ask you to look at
20 the document we have marked as Exhibit P-5 for
21 identification. It bears the production number at
22 the bottom D 0196.

23 It's entitled Article 11: Duties of
24 Detectives and it's a two-sided document, which
25 goes over to D 0197.

1 Diego Santiago

2 Officer Santiago, have you ever seen
3 this document before?

4 A I believe this is the first time I
5 have seen it.

6 Q You allege in this lawsuit that you
7 have expressed interest in a detective position on
8 several occasions; correct?

9 A Yes, sir.

10 Q And it's your testimony that you have
11 never reviewed the page in the police manual on
12 the duties of detectives?

13 A I am going to say that I thought it
14 was the responsibility of the supervisor to go
15 over this manual with us.

16 Q And why did you think that?

17 A In case we have any questions, that
18 we can ask and answers will be given to us.

19 Q I would like to ask you to take a
20 moment to review Exhibit P-5, and ask if you see
21 anything in the duties of detective that relates
22 to Spanish language skills.

23 A I don't see anything here that
24 relates to Spanish speaking duties, but I can't
25 understand how they can interview suspects or

1 Diego Santiago

2 A I was unaware of any procedure
3 regarding that promotion.

4 Q To your knowledge, what is the
5 procedure used to appoint an individual to the
6 position of detective?

7 A To my knowledge, for the last
8 promotions that were made, I believe that the
9 resumes and cover letters were handed to the
10 supervisors, and the supervisors would go on a
11 number basis, and from there the final decision
12 was made by the chief after recommendation of
13 Lieutenant Sullivan, who was in charge of the
14 detective division.

15 Q Okay. When you say the supervisors,
16 who are you referring to?

17 A I believe it's the sergeants and the
18 lieutenants.

19 Q Okay. Prior to filing your charge
20 with the EEOC that led to this litigation, had you
21 ever complained to any of the administration of
22 the police department about the procedure used to
23 select detectives?

24 A I remember calling, speaking to Chief
25 Burton, and I asked him what I needed to do, is

1 Diego Santiago

2 there something that I should work on. And he
3 stated you are doing a fine job, just keep doing
4 what you are doing.

5 Q Did you ever say, chief, I don't
6 think the procedures used to select detectives is
7 fair or any words to that effect?

8 A I can't recall I would have said
9 that.

10 Q Did you ever say to the chief, or any
11 other police department official, that you thought
12 the procedure used to select detectives was
13 discriminatory against Hispanics?

14 A I can't recall I did.

15 Q So, as far as you can recall, your
16 charge with the EEOC is the first time that you
17 ever claimed that the appointment of detectives
18 was discriminatory against Hispanics; is that
19 correct.

20 A Yes.

21 MR. FUCHS: I would like to mark this
22 as, I believe we are up to six, Exhibit P-6
23 for identification.

24 (Exhibit Number P-6 marked for
25 identification as of this date.)

1 Diego Santiago

2 or any memos that I can recall.

3 So, the first time that any memo was
4 put out by the chief was in 2001.

5 Q Okay. Do you remember an opportunity
6 for a detective appointment in 2001 that you
7 applied for?

8 A Yes.

9 Q What did you do to apply for that
10 position in 2001?

11 A I submitted a cover letter with my
12 resume.

13 Q And do you know who received the
14 detective appointment in 2001?

15 A I believe he was Jose Ferraro.

16 Q Do you remember, again, applying for
17 a detective appointment in 2002?

18 A As far as I can recall, yes.

19 Q Do you remember who received the
20 appointment in 2002?

21 A I believe it was Paul Stymiloski, but
22 he wasn't picked out of the resumes and cover
23 letters.

24 (Exhibit Number P-7 marked for
25 identification as of this date.)

1 Diego Santiago

2 referring in 2001 to the appointment of officer
3 Gerolamo?

4 A It could be, yes.

5 Q If I told that you the actual
6 appointment date for Officer Gerolamo was May of
7 2000 instead of 2001, would you disagree with
8 that?

9 A I couldn't agree or disagree.

10 Q Did you express interest in the
11 detective appointment that Officer Gerolamo
12 received?

13 A I have always expressed interest in
14 the detective position.

15 Q Do you know the normal procedure set
16 forth in Exhibit P-6 and P-7 were followed for
17 Officer Gerolamo?

18 A I don't believe so.

19 Q Officer Gerolamo was a youth officer;
20 correct?

21 A That's correct.

22 Q And after appointment to detective,
23 did he continue conducting youth officer duties?

24 A I believe so.

25 Q Did you have the same qualifications

1 Diego Santiago

2 to perform youth officer duties as Officer
3 Gerolamo?

4 A I was able to perform them in '74, I
5 don't see what the difference would be in 2000, or
6 whatever time he was appointed.

7 Q Do you now what Officer Gerolamo's
8 qualifications in the youth officer field were?

9 A I'm aware that he went to school for
10 DARE.

11 Q Did you go to school for DARE?

12 A No, sir.

13 Q What is DARE?

14 A It's to instruct school children
15 against drugs, drug awareness.

16 Q Do you have a certification as a DARE
17 officer?

18 A No. But I believe Officer Gerolamo
19 was sent after he was put in that position.

20 Q And DARE stands for Drug Abuse
21 Resistance Education?

22 A I believe so.

23 Q Were you a certified school resource
24 officer?

25 A No, sir. But I believe Officer

1 Diego Santiago

2 correct?

3 A I believe so.

4 Q Did you have the same traffic
5 management experience as Officer Stymiloski?

6 A I was trained in radar operations
7 when I went to the police academy. I was trained
8 in accident investigations.

9 Q At the time Officer Stymiloski was
10 appointed detective, were you responding to
11 traffic problems and issues?

12 A Occasionally.

13 Q Can you describe an occasion when you
14 responded to traffic problems?

15 A Accident reports. Occasionally wrote
16 a speeding violator.

17 Q Did you respond to issues arising
18 with traffic equipment, malfunctioning signals,
19 things like that?

20 A As far as I know, Officer Stymiloski
21 does not repair traffic signals.

22 Q But the question is: Did you respond
23 to issues arises in traffic court?

24 A No.

25 Q Did you deal with traffic

1 Diego Santiago

2 certifications and traffic training?

3 A I was never sent to any of those
4 schools.

5 Q Are you a certified accident
6 investigator?

7 A I was never sent to that school by
8 the Village of Ossining, but in the police academy
9 I was trained in accident investigation.

10 Q So, that's a no, you are not a
11 certified accident investigator.

12 A I have my certificate in my folder
13 that says that I --

14 Q That says that you what?

15 A That I am certified in basic accident
16 investigations.

17 Q Have you completed a commercial
18 vehicle enforcement seminar?

19 A I was never sent to any of the
20 schools by the Village of Ossining Police
21 Department.

22 Q Does that mean no?

23 A That means no.

24 Q Have you ever completed a course in
25 skid locks and braking systems?

1 Diego Santiago

2 A I have never been to the Ossining --
3 Ossining has never sent me to any of those
4 schools.

5 Q So that's no?

6 A That's no.

7 MR. PAULONIS: Just the question,
8 what was the second one you said before?

9 MR. FUCHS: Commercial vehicles
10 enforcement seminar.

11 Off the record.

12 (Discussion held off the record.)

13 MR. FUCHS: Back on the record.

14 Q Officer Santiago, have you ever
15 completed a course in ADS systems?

16 A No.

17 Q Are you a certified instruct in laser
18 detection systems?

19 A I have never been to any schools sent
20 by the Village of Ossining Police Department.

21 Q Have you ever completed a commercial
22 vehicle weight enforcement course?

23 A No. I have never been sent to any of
24 those schools by the Ossining Police Department.

25 Q Officer, where a yes or no will

1 Diego Santiago

2 answer the question, you can just say yes or no.

3 Have you ever completed a commercial
4 vehicle enforcement course?

5 A No.

6 Q Have you ever completed a course on
7 LoJack stolen vehicle police recovery systems?

8 A No.

9 Q Have you ever completed a 24-hour
10 course in highway drug investigations?

11 A No.

12 Q Have you completed an impaired driver
13 recognition course?

14 A No.

15 Q Do you know whether or not Officer
16 Stymiloski had completed any of these courses
17 prior to being appointed a uniform detective?

18 A No.

19 Q As far as you can recall, when
20 Officer Stymiloski was appointed, did any memo go
21 out advising the department that there was a
22 vacancy for detective and officers would be
23 considered for detective?

24 A Not that I'm aware of for that
25 particular spot.

1 Diego Santiago

2 Q So, as far as you are aware, this
3 procedure was not applied to the appointment of
4 Officer Stymiloski as uniform detective; is that
5 correct?

6 A That's correct.

7 Q Do you know of any other examples of
8 uniform detectives?

9 A There was a Michael Fortini, who was
10 community relations, and he was uniform detective.

11 Q Okay. When was that?

12 A I'm sorry. I don't have a date on
13 that.

14 Q Was it in the -- since 2000?

15 A Might have been before that.

16 Q Okay. Was it in the '90s, 1990's?

17 A Could have been. I don't have an
18 exact date.

19 Q It's possible it was in the 1980's?

20 A No.

21 Q So -- okay. As far as you are aware,
22 was any other officer considered for the uniformed
23 detective appointment that Officer Stymiloski
24 received other than Officer Stymiloski?

25 A Not that I'm aware.

1 Diego Santiago

2 Q And you didn't submit any resume or
3 letter of interest for the appointment that
4 Officer Stymiloski received, did you?

5 A Not that I can recall.

6 Q Okay. Now, having reviewed the
7 document marked as P-7, you are aware that Officer
8 Jose Ferraro was appointed detective in May of
9 2002; correct?

10 A As far as I can see on this memo,
11 yes.

12 Q At the time Officer Ferraro was
13 appointed, do you know how many detectives there
14 were total?

15 A No, I can't recall.

16 Q Did you apply for this detective
17 position, the one that Officer Ferraro received?

18 A I believe I did.

19 Q Did you submit a letter of interest?

20 A I believe I did.

21 Q Now, I will stipulate to you that we
22 have received the letter of interest in discovery
23 from you in 2004, but we have not received one in
24 2002.

25 Do you know if you retained the

1 Diego Santiago

2 letter from that time?

3 A I can't recall.

4 MR. FUCHS: All right. Counsel, just
5 request if the 2002 letter of interest from
6 Officer Santiago exists, we would request
7 that.

8 MR. PAULONIS: Certainly.

9 BY MR. FUCHS:

10 Q Do you know who else applied for the
11 position that Officer Ferraro received?

12 A No, I don't.

13 Q Okay. Were you aware that at least
14 nine other officers applied for that position?

15 A I believe I heard a comment to that.

16 Q Are you familiar with the
17 qualifications of all the other police officers
18 who applied for the detective position in May of
19 2002?

20 A No, I'm not.

21 Q Are you aware of what the criteria
22 used to appoint Detective Ferraro were?

23 A I believe I am aware of the procedure
24 that was supposed to be used, yes.

25 Q But, again, I'm not asking you about

1 Diego Santiago

2 the procedure, but I'm asking you for the criteria
3 used to select Officer Ferraro.

4 A Yes.

5 Q Okay. And what were those criteria,
6 as far as you know?

7 A It was resumes and cover letters that
8 were handed to the supervisors, and the
9 supervisors would use a number system, and they
10 would go by that number system to determine
11 recommendations to Lieutenant Sullivan in charge
12 of the Detective Division, and the final decision
13 would be made by the Chief of Police.

14 Q Do you know what personal skills or
15 qualities were used by the sergeants and
16 lieutenants to evaluate candidates?

17 A No.

18 Q Do you know what personal qualities,
19 skills or experience were used by Chief Burton or
20 Lieutenant Sullivan to review what they received
21 from the sergeants and lieutenants?

22 A No.

23 Q Do you know who made the decision as
24 to who would receive the appointment that Officer
25 Ferraro received?

Diego Santiago

A I believe it was the Chief of Police.

Q Why do you believe you weren't chosen for this position in 2002?

A I don't really have an answer to that. I thought that I was qualified, if not more qualified, than the person that was chosen.

Q Did anyone ever tell you seniority was a criteria to use to select someone for the position of detective?

A No.

Q Has anyone ever told you that the ability to speak a different language was a criteria used to select people for the position of detective?

A No.

Q Anyone ever tell that you community relations was a factor used to select individuals for the position of detective?

A No.

MR. FUCHS: All right. We usually take a ten-minute break in the morning and a ten-minute break in the afternoon and then a little bit of a longer break at about 1:30 for lunch.

1 Diego Santiago

2 before, paragraph 11.

3 Can you tell me who received the
4 appointment in 2003?

5 A I cannot give you an exact who, in
6 2003, no.

7 Q If you were told there was no
8 detective appointment in the year 2003, would you
9 disagree with that?

10 A I would have to kind of disagree,
11 yes.

12 Q Okay. But you can't recall who
13 received the appointment in 2003?

14 A No, sir.

15 Q Did you apply for a position, a
16 detective appointment in 2003?

17 A I can't recall.

18 Q Did you submit a letter of interest
19 for the detective position in 2003?

20 A I have submitted a letter every time
21 that there was a request for it. In 2003, there
22 might not have been a request.

23 MR. FUCHS: I would like to mark this
24 as Exhibit 8 for identification. This is a
25 letter and two-page resume.

Diego Santiago

yes.

Q Is there any reason that is not included in the resume and cover letter that you thought made you the best qualified candidate for the position in June 2004?

A What was my strongest point?

Q No.

Is there anything that is not in the cover letter and resume that made you qualified for the position?

A I thought that everything that was in my resume would point to that, my strong --

Q Do you know who else applied for the position in June 2004?

A No, sir.

Q Were you aware that at least ten other officers applied?

A No, sir.

Q Are you familiar with the qualifications of the other police officers who applied?

A No, sir.

Q Are you aware of what the criteria used to select the officer who received the

1 Diego Santiago

2 appointment were?

3 A I believe I do.

4 Q Okay. And in your, to your
5 understanding, what were they?

6 A Resumes, cover letters handed to the
7 supervisors, and the supervisors made some kind of
8 number recommendations to the chief and
9 lieutenant, and the lieutenant would make the
10 final recommendation, the chief would do the final
11 decision.

12 Q Okay. Again, I'm not asking about
13 the procedure, but rather if are you aware as to
14 what specific skills, traits and factors were used
15 to select detective at that time.

16 A Yes.

17 Q Okay. And what were they?

18 A Being a police officer.

19 Q And are there any other skills,
20 personality traits, abilities that you are aware
21 of?

22 A Not that I was aware of.

23 Q And you felt you were the most
24 qualified person for the position in June of 2004?

25 A Yes, sir.

Diego Santiago

A Yes.

Q Why do you think you were not chosen for this position?

A Maybe because I am Puerto Rican.

Q Why would you say that?

A I don't see any other reason.

Q So, you think that you might not have been selected because you were Puerto Rican because you don't see any other reason?

A I don't see any other reason.

Q Do you think that if you were not Puerto Rican, you would have been selected?

A Probably.

Q What is the basis for that claim?

A Past experience, knowledge, knowledge of the streets. I'm good enough to work narcotics, why not be good enough to work with the Ossining detectives? Good enough to work with the FBI, Homeland Security, Westchester County Police. I don't see why I couldn't be an Ossining detective.

Q So, it's your testimony that you felt that because of your -- because you were not selected with your qualifications, it could only

1 Diego Santiago

2 have been because you are Puerto Rican?

3 A As far as I can see.

4 Q Do you contend that you were better
5 qualified than all the other candidates for the
6 appointment to the position?

7 A Yes.

8 Q Now, your complaint mentioned several
9 times a commendation you received from Sergeant
10 Kress. Do you remember that?

11 A Yes.

12 MR. FUCHS: I would like to mark this
13 as Exhibit 9 for identification.

14 (Exhibit Number P-9 marked for
15 identification as of this date.)

16 Q Officer Santiago, is this the
17 commendation from Sergeant Kress that you refer to
18 in your complaint?

19 A Complaint?

20 Q Somewhere in your lawsuit.

21 A I feel that it might have been just
22 more than one.

23 Q Well, if you could, referring again
24 to P-1, which is your complaint. If you could
25 refer to paragraph 20, paragraph 25, paragraph 30,

1 Diego Santiago

2 didn't get the promotion because you were Puerto
3 Rican and you couldn't think of any other reason
4 you didn't get it.

5 Did you ever hear any slurs or
6 derogatory statements about Puerto Rican
7 statements made by Chief Burton?

8 A No.

9 Q Did you ever hear any slur or
10 derogatory statements about Puerto Ricans by
11 Lieutenant Sullivan?

12 A No.

13 Q Did you ever hear any derogatory
14 statements or slurs about Hispanics in general
15 made by Chief Burton or Lieutenant Sullivan?

16 A No.

17 Q Did any of your direct supervisors,
18 sergeants and lieutenants who supervised you
19 directly, make derogatory statements to you about
20 your name origin?

21 A No.

22 Q Did you ever see any document that
23 attacked or made derogatory statements about
24 Puerto Ricans or Hispanics?

25 A I saw some derogatory fliers.

Diego Santiago

Q Okay. What are you referring to?

A It was a -- one time that there was something that was posted on my locker, and the hallway and the briefing room referring to scabs. I don't know if they were referring to a scab as Puerto Ricans, but it was directed at me.

Q Okay. What does the word "scab" mean to you?

A To me, it means like a cancer.

MR. FUCHS: Okay. Okay. Let's mark this as document D 10.

(Exhibit Number P-10 marked for identification as of this date.)

Q Okay. Officer is this the document you were just referring to that says "scab"?

A Yes.

Q Okay. And is that your handwriting, posted bulletin board, locker room, 10/28/03, 7:40 a.m.?

A Yes.

Q How did you interpret the word "scab" when you saw it?

A That I was like a disease or cancer to the rest of the police department.

Diego Santiago

1
2 Q Were you familiar with the use of the
3 word "scab" in a labor relations context; in other
4 words, as a unionized worker who operates outside
5 of the union?

6 A No.

7 Q You have never heard that expression?

8 A No.

9 Q Have you ever heard of scab used as a
10 word related to Puerto Ricans or Hispanics?

11 A Not that I can recall.

12 Q Okay. Can you tell me what the
13 article upon which the word "scab" is written
14 refers to?

15 A I guess it was an article as to why I
16 haven't been promoted to detective.

17 Q It refers to a petition by members of
18 the community; correct?

19 A Yes.

20 Q Did you organize that petition?

21 A No, sir.

22 Q Did you have anything to do with the
23 petition being circulated?

24 A No, sir.

25 Q Did you discuss with anyone the

1 Diego Santiago

2 petition being circulated before it was
3 circulated?

4 A No, sir.

5 Q Did you speak to the press with
6 respect to this article?

7 A No, sir.

8 Q So, this petition in this article
9 came about through no act of your own; correct?

10 A That's correct.

11 Q Have you ever been criticized for
12 operating -- withdraw that question.

13 Have you ever received criticism
14 because you did not use the procedures of your
15 union to air your complaints?

16 A Not that I'm aware of.

17 Q Now, when you saw -- withdraw that.

18 Where in the locker room was this
19 article posted?

20 A To my locker, it was in the entrance
21 to the locker room, a little lobby that is there.
22 It was in the briefing room.

23 Q And, to this day, are you aware of
24 who posted this article?

25 A No, I'm not.

110

Diego Santiago

2 | than others that have been made detective, I have
3 | not been made detective.

4 Q Is it fair to say that you feel that
5 the Hispanic community within the village needs a
6 Spanish speaking Hispanic detective?

7 | A Absolutely.

8 Q And you contend the department should
9 have hired or appointed a candidate who speaks
10 Spanish and was familiar with the community to the
11 detective position; correct?

12 A I believe that they should have hired
13 somebody that spoke Spanish and that was qualified
14 to be a detective.

15 Q And, in your opinion, your
16 Spanish-language skills, your relationship with
17 the community, in addition to your tenure of
18 experience makes you the best candidate for the
19 job; is that correct?

20 A I believe that I was one of the most
21 qualified, yes, and an asset of being bilingual
22 and of Hispanic dissent.

23 Q Is it fair to say that your language
24 skills and relation with the Hispanic community
25 are the factor that lifts you, in your opinion,

1 Diego Santiago

2 over the other candidates that have been selected?

3 A I believe it's one of the factors.

4 Q What are the other factors?

5 A The factors of the knowledge of the
6 streets, the community, the respect I get from the
7 people in the community.

8 Q Okay. And you mentioned a void a
9 moment ago.

10 Do you feel that the department's
11 failure to select you or another Spanish speaking
12 officer for this appointment, their failure to
13 fill this void was discriminatory?

14 A Yes.

15 Q And because the department's decision
16 failed to address the community's need; is that
17 correct?

18 A Yes.

19 Q And that's why you feel that the
20 promotion decisions to detective have been
21 discriminatory?

22 A That's one of them.

23 Q What other reasons are there?

24 A Of my ethnicity, where I come from,
25 being Puerto Rican, how is that, Hispanic.

1 Diego Santiago

2 Q Okay. And other than what we have
3 just talked about, what is the basis for that
4 feeling on your part?

5 A Because there is the need there, that
6 anybody can see it clearly, and it's not being
7 addressed by the department and specifically by
8 the detective division.

9 Q Are there any other facts that we
10 haven't discussed that you feel support your claim
11 that you have been denied a promotion on the basis
12 of your national origin?

13 A Not that I can recall at this time.

14 Q Now, you also have a claim in this
15 lawsuit for retaliation. Are you aware of that?

16 A I guess in case it ever happens.

17 Q Okay. Well, if I could ask you to,
18 again, refer back to your complaint in this
19 lawsuit to Exhibit P-1.

20 Okay. If you could refer to
21 paragraph 32 of the complaint, it states, and I
22 will just read paragraph 32 into the record.

23 "In retaliation for plaintiff's
24 engagement in protected activity and on account of
25 his race ethnicity, plaintiff was isolated and

1 Diego Santiago
2 shunned by the Village of Ossining Police
3 Department and denied the position of detective."

4 Now, my question for you is: What do
5 you think in this complaint you did?

6 A Well it says it right there.

7 Q Withdraw the question.

8 Do you contend that the department
9 retaliated against you?

10 A Yes.

11 Q How did they retaliate against you?

12 A By not promoting me.

13 Q And for what, what did you do that
14 you were retaliated against?

15 A Being of Puerto Rican decent.

16 Q Again, I'm not asking about the
17 direct retaliation of discrimination.

18 A The retaliation was that I wasn't
19 promoted to detective.

20 Q Okay. What did you do, what do you
21 contend, what activity do you contend that you
22 engaged in for which you were retaliated against?

23 A In other words, what I did?

24 Q Yes. What did you do that caused you
25 to be isolated and shunned and denied the position

1 Diego Santiago

2 of detective?

3 A I guess submitting my resume and
4 cover letter to become a detective.

5 Q So, is it your testimony that you
6 were retaliated against for applying for the
7 detective position?

8 A At this time, yes.

9 Q Now, I would like to show you the
10 document that we previously marked as Exhibit P-2
11 for identification, which is your charge and
12 statement to the EEOC.

13 I would like to ask you to take a
14 moment to review. It's a three-page document with
15 a charge and a two-page statement of facts after
16 that.

17 A Okay.

18 Q Officer Santiago, if you could look
19 at the first page of the charge, there is a box
20 that -- the first page, the box that says
21 retaliation, and that wasn't checked off; correct?

22 A Correct.

23 Q Within the two-page statement of
24 facts, there is no allegation relating to
25 retaliation; is that correct?

C E R T I F I C A T E

STATE OF NEW YORK)

: SS.

COUNTY OF NEW YORK)

I, BONNIE PRUSZYNSKI, a Notary
Public with and for the State of New York,
do hereby certify:

That DIEGO SANTIAGO, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such deposition
is a true record of the testimony given by
the witness.

I further certify that I am not related
to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th of April, 2007.


Bonnie Pruszyński